

REMARKS

The Examiner is thanked for the due consideration given the application. This amendment has been filed concurrently with a Request for Continued Examination.

The specification has been amended to insert generic terminology.

Claims 1-14 and 22-29 are pending in the application. Support for the amendments to claims 1, 24 and 27 find support in Figures 1, 4 and 5, as well as in paragraph [0062] of the specification. Claims 22, 25 and 28 have been amended to insert generic terminology.

No new matter is believed to be added to the application by this amendment.

Rejection Under 35 USC §112, Second Paragraph

Claims 22, 25 and 28 have been rejected under 35 USC §112, second paragraph, as being indefinite. This rejection is respectfully traversed.

The Office Action asserts that a trademark or tradename cannot be used to describe a particular material or product. However, the claims have been amended to utilize generic terminology.

The claims are thus clear, definite and has full antecedent basis.

This rejection is believed to be overcome, and withdrawal thereof is respectfully requested.

Rejections Under 35 USC §§102(e)/103(a)

Claims 1-14, 23, 24, 26, 27 and 29 have been rejected under 35 U.S.C. 102(e) as being anticipated by Nakanishi et al. (PGPUB 2004/0229093).

Claims 22, 25 and 28 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Nakanishi et al. in view of Yamada et al. (US 5,432,023)

These rejections are respectfully traversed.

The present invention pertains to a fuel cell that is exemplarily illustrated by Figure 1 of the application, which is reproduced below.

FIG. 1

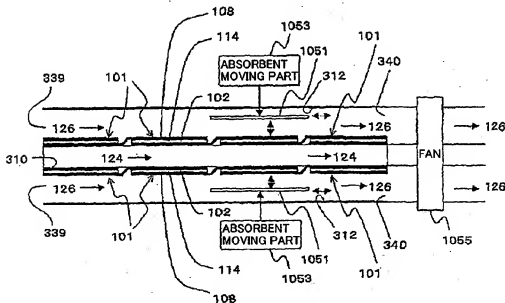


Figure 1 shows a unit cell 101 with a fuel electrode 102 and an oxidant electrode 108. An absorbent moving part 1053 supports an absorbent sheet 1051 such that the absorbent sheet

1051 approaches to and departs from a vicinity of the oxidant electrode 108.

The independent claims have been amended to better set forth the electrode geometry where, for example, claim 1 now recites: *"an absorbent sheet disposed in an oxidant path and sandwiched between the oxidant electrode and an outer wall of the oxidant path."* See also independent claims 24 and 27.

Nakanishi et al. pertains to a fuel cell system. The Office Action refers to water absorbing members 70 arranged outside the oxidizing gas conduits 36. These members are attached to a roller 74 and rotated to approach and depart from the electrode (Abstract, Figure 3). The absorbent is rotated to the other side of the roller to be dried (Figure 4). Figures 3 and 4a of Nakanishi et al. are reproduced below.

FIG. 3

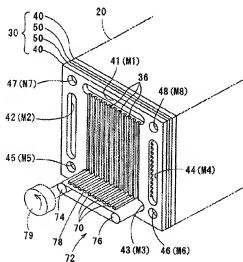
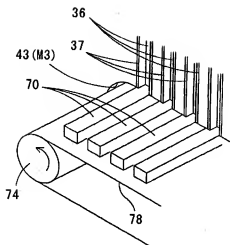


FIG. 4

(a)



But it is clear from this disclosure that Nakanishi et al. does not disclose or infer "an absorbent sheet disposed in an oxidant path and sandwiched between the oxidant electrode and an outer wall of the oxidant path," such as is set forth in the independent claims of the present invention.

Yamada et al. does not address this failure of Nakanishi et al.

In the Response to Arguments the Examiner asserted: "The applicant is advised to include the limitation 'The absorbent sheet disposed on the oxidant electrode sandwiched between the electrode and a separator plate' or other equivalent structural limitations that establish the location of the movable absorbent material located between the electrode and plate."

It is believed that the current independent claims reflect the Examiner's kind suggestion.

The applied art thus neither anticipates nor renders *prima facie* unpatentable a claimed embodiment of the present invention.

These rejections are believed to be overcome, and withdrawal thereof is respectfully requested.

Conclusion

The Examiner is thanked for considering the Information Disclosure Statement filed May 3, 2010 and for making the references therein of record in the application.

Prior art of record but not utilized is believed to be non-pertinent to the instant claims.

As no issues remain, the issuance of a Notice of Allowability is respectfully solicited.

The Commissioner is hereby authorized in this, concurrent, and future submissions, to charge any deficiency or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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